

207B .VI89 1613 . Vol 001  
LUBRIZOL PETROLEUM CHEMICAL CO.  
P.O. BOX 158



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October 27, 1989

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 106 973 022)**

Mr. Cecil A. Scott, Plant Manager  
The Lubrizol Petroleum Chemicals Company  
P.O. Box 158  
Deer Park, Texas 77536

Re: Consent Agreement and Order Assessing Administrative Penalties  
Docket No. VI-89-1613  
NPDES Permit No. TX0007048

Dear Mr. Scott:

This is to acknowledge receipt of your letter dated September 27, 1989, transmitting the "Consent Agreement and Order Assessing Administrative Penalties" signed by yourself. As no comments were received from the general public during the thirty (30) day public notice period, the Environmental Protection Agency hereby issues this Final Consent Agreement and Order.

The Consent Agreement shall become effective thirty (30) days after the date of issuance noted therein. Penalty payment is due within thirty (30) days of the effective date of the Consent Agreement.

If you have any questions regarding this matter, please contact Mr. Everett H. Spencer at telephone (214) 655-6475.

Sincerely yours,

/s/ Kenton Kirkpatrick

Myron C. Knudsen, P.E.  
Director  
Water Management Division (6W)

Enclosure

cc: Mr. Ramon Dasch, Section Chief  
Wastewater Enforcement  
Texas Water Commission

bcc: Gair (EN-338)  
Gibson (6W-EA)  
Gordon (6W-EAT) ✓  
Heacham (6X)  
Goetz (6X)  
Spencer (6W-ET)  
Read File (6W-E)  
Ayers (6E-H)  
Lopez (6C-G)  
Lassiter (EN-338)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

IN THE MATTER OF

LUBRIZOL PETROLEUM CHEMICALS COMPANY  
P.O. Box 158  
Deer Park, Texas 77536

NPDES PERMIT NO. TX0007048

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DOCKET NO. VI-89-1613

CONSENT AGREEMENT AND ORDER

I. Statutory Authority

The following Findings are made and Consent Agreement issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 6, who hereby issues this Final Order.

II. Findings

Upon consent of the parties by their attorneys and authorized officials, the parties stipulate and the Administrator finds:

1. The Lubrizol Petroleum Chemicals Company (hereinafter the "Respondent"), a person within the meaning of the Act, owns or operates a facility located at 41 Tidal Road, Deer Park, Texas 77536.

2. On January 24, 1989, EPA Region 6 issued to Respondent, and on or about February 4, 1989, notified the public of an Administrative Complaint, Docket No. VI-89-1613.

3. On January 24, 1989, the State of Texas was given an opportunity to consult with EPA regarding the Administrative Complaint against the Respondent.

4. The Administrative Complaint alleges that the Respondent failed to comply with Section 301(a) of the Act, 33 U.S.C. § 1311(a), by failing to comply with condition Part 1.A. at Outfall 005 of NPDES Permit No. 1X0007048, by discharging in excess of permit limitations on July 20, 1988, and July 21, 1988, at Outfall 005. The alleged exceedances are as follow:

| <u>Date</u>   | <u>Parameter</u>        | <u>Actual</u> | <u>Limit</u> |
|---------------|-------------------------|---------------|--------------|
| July 20, 1988 | pH, min.                | 3.52 s.u.     | 6.0 s.u.     |
|               | TOC, max.               | 120 mg/l      | 115 mg/l     |
|               | O&G, max.               | 61.6 mg/l     | 15 mg/l      |
|               | Zinc, max.              | 2.11 mg/l     | 2 mg/l       |
|               | TSS, max.               | 212 mg/l      | 170 mg/l     |
|               | BOD <sub>5</sub> , max. | 132 mg/l      | 20 mg/l      |

Amount = 30,000 gallons

|               |                         |           |          |
|---------------|-------------------------|-----------|----------|
| July 21, 1988 | pH, min.                | 2.00 s.u. | 6.0 s.u. |
|               | O&G, max.               | 79.3 mg/l | 15 mg/l  |
|               | TSS, max.               | 364 mg/l  | 170 mg/l |
|               | BCD <sub>5</sub> , max. | 100 mg/l  | 20 mg/l  |

Amount = 66,000 gallons

III. Order and Consent

Based on the foregoing stipulations and findings, and having taken into account the nature, circumstances, extent, and gravity of the alleged exceedances Respondent's prior history of compliance, degree of culpability, economic benefit or savings resulting from the alleged exceedances and ability to pay, and under the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA Region 6 hereby ORDERS, AND RESPONDENT HEREBY CONSENTS, that:

1. The provisions of this Consent Agreement shall be binding upon the Respondent, its officers, directors, agents, servants, authorized representatives, employees, and successors or assigns.

2. The Respondent shall mail two (2) copies of the Consent Agreement, each with original signatures, to the attention of Ms. Gladys Gooden-Jackson (6W-EAT) at the following address:

U.S. EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

3. The Respondent shall pay \$10,300 to settle the action initiated by the Administrative Complaint by mailing a money order or certified check payable to Treasurer, United States of America, within thirty (30) days of the effective date of Agreement to the following address:

Regional Hearing Clerk (6C-G)  
U.S. EPA Region 6  
P.O. Box 360582M  
Pittsburgh, PA 15251

Respondent shall send notice of such payment, including a copy of the money order or check, to the Hearing Clerk at the following address within thirty (30) days of effective date of Agreement:

Regional Hearing Clerk (6C-G)  
U.S. EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

4. EPA and the Respondent agree that the allegations set forth in the Administrative Complaint and this Consent Agreement are hereby settled and compromised. The entry of this Consent Agreement shall not constitute an admission by the Respondent of any of the allegations set forth in the Administrative Complaint or this Consent Agreement.

#### IV. General Provisions


1. Neither EPA nor the United States shall institute any judicial or administrative action against Respondent under the Act or any other law, rule or regulation to the extent such action is based on the exceedances alleged in the Administrative Complaint or in this Consent Agreement. This Consent Agreement, however, does not affect Respondent's obligation to comply with any section of the Act or with the terms and conditions of any permit issued pursuant to Section 402 or 404 of the Act.

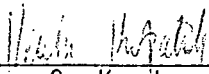
2. Failure by Respondent to pay in full the settlement amount under this Consent Agreement by its due date may subject Respondent to a civil action to collect the settlement amount plus interest, attorneys' fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9). In any such collection action, the validity, amount, and appropriateness of the settlement amount and of this Consent Agreement shall not be subject to review.

3. Respondent knowingly and explicitly waives its rights pursuant to Sections 309(g)(2) and (8), 33 U.S.C. § 1319(g)(2) and (8), to a hearing on this Administrative Complaint and to judicial review of this Consent Agreement.

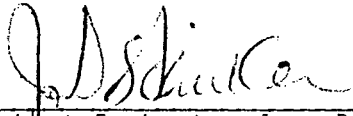
V. Effective Date

This Consent Agreement and Order shall become effective thirty (30) days after the date of issuance noted below unless a petition for a hearing is filed pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), by a person who commented on the proposed penalty assessment. If such a petition is filed, EPA Region 6 will so notify Respondent and will inform Respondent of the effect of the petition on the effective date of this Consent Agreement and Order.

  
Mr. Cecil A. Scott, Plant Manager  
The Lubrizol Petroleum Chemicals Company  
P.O. Box 158  
Deer Park, Texas 77536

  
Myron O. Knudson, P.E.  
Director  
Water Management Division (6W)  
EPA Region 6

Issued this 27<sup>th</sup> day of October, 1989.

  
Robert E. Layton Jr., P. E.  
Regional Administrator  
U.S. EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733